



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
EMD / CWB

**100057PGY.04c**  
**DATE: October 22, 2004**  
**NPDES PERMIT NO.: HI S000031**

**PERMIT RATIONALE:**      **APPLICATION FOR NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE  
TO THE WATERS OF THE UNITED STATES**

**PERMITTEE:**                **CENTRAL FEDERAL LANDS HIGHWAY DIVISION  
FEDERAL HIGHWAY ADMINISTRATION**

**PROJECT:**                  **STATE ROUTE 200 - SADDLE ROAD, PTA-1  
SECTION (MP28-42±) PHASE 2 & PHASE 3**

**PROJECT ADDRESS**

District of Hamakua, Island of Hawaii

**PERMITTEE MAILING ADDRESS**

12300 West Dakota Avenue  
Lakewood, Colorado 80228  
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**PERMIT STATUS**

On June 1, 2004, the Permittee submitted an NPDES Individual Permit application for coverage of storm water discharges associated with construction activity from the State Route 200 - Saddle Road, PTA-1 Section (MP28-42±) Phase 2 & Phase 3 project to the un-named ephemeral (intermittent) streams on the island of Hawaii. The Permittee via their authorized representative, Okahara & Associates, Inc. has since submitted additional information, dated September 8, and 14, 2004, to complete the application.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Water Pollution Control Act (PL 92-500), Federal Clean Water Act of 1977 (PL 95-217) and Chapter 342D, Hawaii Revised Statutes (HRS).

## **SCOPE OF THE CONSTRUCTION ACTIVITY AND LOCATION OF THE PROJECT**

The proposed Saddle Road improvement project alignment extends from milepost 6 in the Kaumana area on the east end to State Route 190 on the west end (milepost 53). Saddle Road will be a two-lane paved highway with 12-foot travel lanes and 8-foot paved shoulders. The total project is divided into four (4) sections, I thru IV, from west to east respectively. Section II (PTA-1), a 13-mile segment running through and around the Pohakuloa Training Area (PTA) will be the first section constructed. This section starts at milepost 42 of the Saddle Road, and extends to milepost 28. Section II is further divided into three (3) projects. Phase 1 (MP28-35), first of the projects under Section II, is currently in construction with coverage under the general permit, NGPC File No. HI R10B670, dated December 22, 2003. Phases 2 and 3, the two (2) projects to complete Section II, is the scope of construction activities proposed in the application.

Phase 2 runs from Stations 17+00 to 258+50, and 282+50 to 354+00 and consists of earthwork and drainage construction. There will be no paving or finish surface work. Construction for Phase 2 is anticipated to begin in early 2005 and last approximately 12 months. The first month will be mainly set up work for staging, mobilization, flagging of the construction limits, and installation of the Best Management Practices (BMPs) measures. The last month will be closing out the project, removal of any unnecessary BMPs measures after surface stabilization, and demobilization.

Phase 3 spans the full 13 miles of Section II, and consists of earthwork for the remaining mile followed by constructing the full pavement structure, signing and striping, and all pertinent work necessary to open this section to the public. Phase 3 is anticipated to begin in early 2006 and last approximately 10 months. The first month will be mainly set up work for staging, mobilization, flagging of the construction limits, and installation of the BMPs measures for the initial areas. The second two (2) months will be grading work near the project termini where the connections to the existing Saddle Road will occur and also a short segment in front of Mauna Kea State Park where the proposed and existing roads overlap. The next six months will consist of building the pavement structure, signing and striping, and other appurtenances necessary to complete the project. The final month will consist of addressing punch list items, removal of all BMPs measures after surface stabilization, and demobilization.

## **RECEIVING WATER CLASSIFICATION**

The storm water runoff from the project site may discharge to the un-named ephemeral (intermittent) streams as identified in the application. The receiving waters are classified as Class 1, and Class 2, Inland Waters. The objective of Class 1 waters is to remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source. The uses to be protected are all uses compatible with the protection of the ecosystems associated with waters of this class. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the

criteria established for this class.

The objective of Class 2 waters is to protect their use for recreational purposes, the support and propagation of aquatic life, agricultural and industrial water supplies, shipping, and navigation. The uses to be protected in this class of waters are all uses compatible with the protection and propagation of fish, shellfish, and wildlife, and with recreation in and on these waters. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for this class.

### **OCEAN DISCHARGE CRITERIA**

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The EPA has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125, Subpart M. Based on current information, the Director has determined that the discharge will not cause degradation to the marine environment.

### **DESCRIPTION OF THE PROPOSED DISCHARGE**

Storm water runoff from the project site may discharge to the un-named ephemeral (intermittent) streams to the discharge points as noted in the application. Pollutants will be removed from the storm water runoff prior to entering the receiving waters through the use of BMPs including, but not limited to check dams, silt fences, earth berms, and hydromulch.

### **PERMIT CONDITIONS**

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the HRS. The Director has determined that the discharge will not cause degradation to the receiving water environment after implementation of BMPs. Therefore, based on current information, the Director proposes to issue a permit.

### **PROPOSED DETERMINATIONS**

Based on the activities proposed, nutrient and toxic parameters are not required. Any non-storm water generated from the construction activities will be contained on-site and will not be discharged into State waters.

The proposed requirements are determined to be applicable to the permit conditions to prevent degradation of the receiving water. These requirements are incorporated into the draft permit as follows:

A. General Requirements

The Permittee shall:

1. Comply with all materials submitted in and with the application, dated April 29, 2004, and additional submittals, dated September 8, and 14, 2004.
2. Retain a copy of the application, including other related materials, and this permit at the job site or at a nearby field office.
3. Ensure that anyone working under this permit complies with the terms and conditions of this permit.
4. Not cause or contribute to a violation of the basic water quality criteria as specified in Hawaii Administrative Rules (HAR), Chapter 11-54, Section 11-54-4.
5. Take all reasonable steps to minimize or prevent any discharge or disposal of sediments, oil, fuel, pesticides or any other pollutants which will cause or contribute to a violation of this permit or applicable law. Sediments or any other pollutants generated by the construction shall be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters.
6. Design, operate, implement, and maintain the construction site Best Management Practices (BMPs) Plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable State water quality standards.
7. Implement the construction site BMPs Plan, or amendments thereof, as often as needed to improve the quality of storm water discharges or when instructed by the Director.
8. Immediately stop, reduce, or modify construction, or implement new or revised BMPs as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-4.
9. Inspect, at a minimum of once per week, the receiving State waters, storm water runoff and control measures and BMPs practices to detect violations of and conditions which may cause or contribute to a violation of the basic water quality

criteria as specified in HAR, Chapter 11-54, Section 11-54-4. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

10. Review the effectiveness and adequacy of the implemented site-specific BMPs Plan(s) and Sediment and Erosion Control Plan(s) at a minimum of once per week, and update the plan as often as necessary. Any changes(s) to the site-specific BMPs Plans and/or Sediment and Erosion Control Plans or correction(s) to information already on file with the Department of Health (DOH) shall be submitted to the Clean Water Branch (CWB) as such change(s) or correction(s) arises.

11. Submit signed copies of all reports required by this permit to the Director at the following address or as otherwise specified:

Director of Health  
Clean Water Branch  
Environmental Management Division  
Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378

12. Include the following certification statement and signature on each submittal in accordance with HAR, Chapter 11-55, Section 11-55-07(b):

**"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."**

13. Include the NPDES permit number (HI S000031) on each submittal. Failure to provide the assigned NPDES permit number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

**B. Reporting Requirements**

The Permittee shall:

1. Submit the following site-specific information to the CWB at least 30 days before the start of construction activities:
  - a. Any general contractor's information which was not identified in the application. The information must include the general contractor's legal name, address (location where papers can be hand-delivered), contact person and title, telephone and fax numbers;
  - b. Map(s) with drainage pattern flow arrows showing the areas used for temporary storage of soils or wastes and appropriate BMPs;
  - c. Location of the storage yard on a map with drainage pattern flow arrows which notes the equipment and materials to be stored and appropriate BMPs;
  - d. Construction timetable which includes the dates when major construction activities will begin and end.

All related concerns and/or comments shall be properly addressed to the CWB's satisfaction.

2. Complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
3. Immediately notify the Director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in Section 16 of DOH "Standard NPDES Permit Conditions," dated December 31, 2002.
4. Submit any changes to information on file with the CWB as soon as changes arise. The Permittee shall properly address all related concerns and/or comments to the CWB's satisfaction.
5. Notify the CWB upon termination of the discharge activities pursuant to HAR, Chapter 11-55, Section 11-55-18.

**C. Special Requirements**

The Permittee shall:

1. Limit the “disturbance of land”, as referenced in HAR, Appendix C, to a maximum of 20 acres per drainage area. The area of land disturbance may be reduced by the Director for water pollution control purposes. On a case-by-case situation, the Director may allow additional area to be disturbed provided that the Permittee can demonstrate to the Director’s satisfaction that the additional disturbance area will not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-4.
2. Provide adequate BMP’s for temporary storage of any soils, or excavated materials.
3. Not discharge any non-storm water associated with the construction activities into State waters unless authorized by an appropriate permit, license, or approval.
4. Refrain from performing any work during heavy rainstorms.
5. Dispose of any waste at a State and/or County approved landfill site.
6. The following special conditions apply to all land disturbance work conducted under this permit:
  - a. Construction Management Techniques
    - (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
    - (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
    - (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
    - (4) Erosion and Sediment Control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the

construction period.

- (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within 24 hours after any rainfall of 0.5 inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
- (7) A specific individual shall be designated to be responsible for Erosion and Sediment Controls on each project site.

b. Vegetation Controls

- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than 20 calendar days prior to land disturbance.
- (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than 30 calendar days.
- (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for 30 calendar days or until the vegetation takes root, whichever is shorter.

c. Structural Controls

- (1) Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion Control Measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-4.